

Message Text

CONFIDENTIAL

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71

ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SPC-03

SS-15 USIA-15 ACDA-19 IO-15 AID-20 COME-00 EB-11

FRB-02 TRSE-00 XMB-07 OPIC-12 CIEP-02 LAB-06 SIL-01

OMB-01 SCEM-02 INT-08 STR-08 DRC-01 /230 W

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R 280842Z SEP 73

FM AMEMBASSY BERN

TO SECSTATE WASHDC 8236

INFO AMEMBASSY TRIPOLI

C O N F I D E N T I A L BERN 4035

E.O. 11652: GDS

TAGS: ENRG, SZ

SUBJECT: OIL EXPROPRIATIONS: U.S. POSITION

REF: STATE 182055

1. ON SEPTEMBER 27 EMBOFFS DELIVERED TEXT OF REFTTEL NOTE TO DR. FRIEDRICH MOSER, CHIEF OF NEWLY FORMED INDEMNITY AGREEMENTS SECTION IN FEDERAL POLITICAL DEPARTMENT. THIS SECTION WILL HENCEFORTH HANDLE ALL LEGAL QUESTIONS AND NEGOTIATIONS RELATING TO EXPROPRIATION OF SWISS PROPERTIES.

2. ALTHOUGH DR. MOSER HAD ESSENTIALLY NO REACTION TO THE LIBYAN PROBLEM, HE DID SAY THAT SWITZERLAND'S LEGAL POSITION REGARDING EXPROPRIATIONS WAS SIMILAR TO THE UNITED STATES POSITION. THAT IS, EVERY NATION HAS THE SOVEREIGN RIGHT TO EXPROPRIATE BUT SHOULD PAY JUST AND ADEQUATE COMPENSATION FOR PROPERTIES EXPROPRIATED. (SEE BERN 2552, OCTOBER 27, 1971, FOR FULLER EXPOSITION OF SWISS POSITION.) WITH REGARD TO ARBITRATION, CONFIDENTIAL

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DR. MOSER SAID THAT SWITZERLAND GENERALLY FAVORS THE

PRINCIPLE OF ARBITRATION BETWEEN GOVERNMENTS BUT THAT
ARBITRATION BETWEEN PRIVATE FIRMS AND A GOVERNMENT WAS
A SPECIAL CASE AND SWITZERLAND PRESENTLY HAS NO POLICY
ON THIS QUESTION. HE SAID THAT IT WAS A DIFFICULT LEGAL
PROBLEM WHICH HE WOULD HAVE TO THINK ABOUT.
PERCIVAL

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Message Attributes

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